

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

R. WAYNE JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-633-D
)	
THAD BALKMAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell recommends the dismissal of Plaintiff’s complaint in its entirety, granting pending motions to dismiss filed by some defendants and dismissing two defendants upon screening under 28 U.S.C. § 1915A(a). As to defendants who are absolutely immune from liability, Judge Mitchell recommends a dismissal with prejudice; the action would be dismissed without prejudice as to all other defendants. *See* R&R at 14. Judge Mitchell also finds that the adoption of this recommendation would render moot all Plaintiff’s pending motions. *Id.* at 14 n.1.

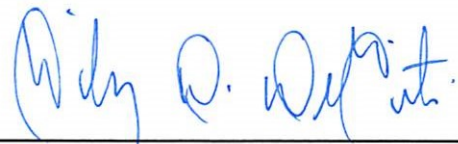
Plaintiff R. Wayne Johnson, a Texas prisoner who appears *pro se*, has made one timely filing that might be liberally construed as an objection [Doc. No. 40]. The Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made” and “may accept, reject or

modify, in whole or in part, the findings and recommendations made by the magistrate judge.” *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3).

Upon consideration of Plaintiff’s filing, the Court finds no basis to disagree with Judge Mitchell’s findings regarding the insufficiency of Plaintiff’s pleading. Plaintiff does not address any of the reasons for dismissal stated by Judge Mitchell, who has carefully and capably explained why Plaintiff’s complaint fails to state a claim upon which relief can be granted as to any defendant. Therefore, upon de novo review, the Court fully concurs in Judge Mitchell’s findings and recommendations.

IT IS THEREFORE ORDERED that the the Report and Recommendation [Doc. No. 39] is **ADOPTED** in its entirety. Defendants’ Motions to Dismiss [Doc. Nos. 5, 10, 12] are **GRANTED**, and the action against Defendants Shon Erwin and James McCormack is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b). A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 19th day of November, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge